

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PARLANTE,

Plaintiff,

v.

AMERICAN RIVER COLLEGE, *et al.*,

Defendants.

Case No. 2:20-cv-02268-JDP (PS)

ORDER DIRECTING SERVICE BY THE  
UNITED STATES MARSHAL WITHOUT  
PREPAYMENT OF COSTS

Plaintiff is proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915. By order filed September 15, 2021, the court determined that service of the first amended complaint is appropriate for defendant American River College and ordered plaintiff to provide: information for service of process on form USM-285, a completed summons, sufficient copies of the complaint for service, and a notice of compliance. Plaintiff has filed the required papers. Accordingly, it is hereby ORDERED that:

1. The Clerk of the Court is directed to forward to the U.S. Marshal the instructions for service of process, the completed summons, copies of the complaint, copies of the form Consent to Proceed Before a United States Magistrate Judge, and copies of this order.

2. Within fourteen days from the date of this order, the U.S. Marshal shall notify defendant American River College of the commencement of this action and request a waiver of service of summons in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C.

§ 566(c).

3. The U.S. Marshal shall retain the sealed summons and a copy of the complaint in its file for future use.

4. The U.S. Marshal shall file returned waivers of service of summons as well as any requests for waivers that are returned as undelivered as soon as they are received.

5. If a defendant waives service, the defendant is required to return the signed waiver to the United States Marshal. The filing of an answer or a responsive motion does not relieve a defendant of this requirement, and the failure to return the signed waiver may subject a defendant to an order to pay the costs of service pursuant to Fed. R. Civ. P. 4(d)(2).

6. If a defendant does not return a waiver of service of summons within sixty days from the date of mailing the request for waiver, the United States Marshal shall:

a. Personally serve process and a copy of this order on the defendant in accordance with Fed. R. Civ. P. 4 and 28 U.S.C. § 566(c) and shall command all necessary assistance from the California Department of Corrections and Rehabilitation (CDCR) or any last known employer of a defendant to execute this order. The United States Marshal shall maintain the confidentiality of all information so provided pursuant to this order.

b. File, within fourteen days after personal service is effected, the return of service, along with evidence of any attempts to secure a waiver of service of summons and of the costs subsequently incurred in effecting service on the defendant. Such costs shall be enumerated on the USM-285 form and shall include the costs incurred by the United States Marshal's office for photocopying additional copies of the summons and complaint and for preparing new USM-285 forms, if required. Costs of service will be taxed against the personally served defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).

7. Defendant shall reply to the complaint within the time provided in Fed. R. Civ. P. 12(a).

8. Unsigned affidavits or declarations will be stricken, and affidavits or declarations not

1 signed under penalty of perjury have no evidentiary value.


2 9. Each party proceeding without counsel shall keep the court informed of a current  
3 address at all times while the action is pending. Any change of address must be reported  
4 promptly to the court in a separate document captioned for this case and entitled "Notice of  
5 Change of Address." A notice of change of address must be properly served on other parties.  
6 Service of documents at the address of record for a party is fully effective. *See* L.R. 182(f). A  
7 party's failure to inform the court of a change of address may result in the imposition of sanctions  
8 including dismissal of the action.

9 10. The Clerk of the Court shall serve on plaintiff a copy of the Local Rules of Court.

10 11. The failure of any party to comply with this order, the Federal Rules of Civil  
11 Procedure, or the Local Rules of Court, may result in the imposition of sanctions including, but  
12 not limited to, dismissal of the action or entry of default. *See* Fed. R. Civ. P. 41(b).

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14 IT IS SO ORDERED.

15 Dated: February 11, 2022

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17 JEREMY D. PETERSON  
18 UNITED STATES MAGISTRATE JUDGE  
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